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C O N F I D E N T I A L SECTION 01 OF 02 MINSK 001437

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SUBJECT: Three Years In Jail for Discrediting Belarus

Classified by Ambassador George Krol for Reasons 1.4 (B,D)

11. (U) Summary: Belarus' lower house of Parliament on November 25 approved in first reading amendments to the criminal code that would make it a criminal offense to participate in demonstrations or give "false" information to foreign entities and international organizations. Though still requiring a second reading in the lower house, a reading in the upper house, and the President's signature before coming into force, Lukashenko demanded it be implemented by January 2006, practically guaranteeing that the amendments would soon become a law. The BKGB chief supported the move, admitting it would prevent opposition forces from causing trouble during the presidential elections. Opposition and political activists condemned the bill, likening it to oppressive measures used in the Soviet Union to eradicate all anti-GOB and pro-change voices in society. End Summary

The Repression Overwhelmingly Approved

12. (U) On November 25, Belarus' House of Representatives (the lower house) approved the first reading of a bill that would amend the country's criminal code and criminal procedure. Submitted by Lukashenko on November 23 and marked "urgent," the amendments would introduce prison sentences for activities deemed "revolutionary" and threatening to Belarus' stability. The first reading overwhelmingly passed in a 94-to-one vote. To become a law, the lower house needs to approve the bill in a second reading, the upper house to approve it, and then the President would have to sign it. Despite only passing its first step in the Belarusian "legal" process, Lukashenko expects the bill of amendments to take effect in January 12006.

The Nuts and Bolts of the Bill

13. (U) The bill is aimed to toughen punishment for activities ostensibly directed against the citizens and public security. Such activities include participating in street protests, telling "lies" about Belarus to foreign countries, and soliciting foreign help in attacking Belarus' sovereignty. The punishment for training people to participate in events that "flagrantly violate the public peace" would be six months in a local jail or two years in prison. [Notes: A jail sentence would be time served in a local police station or detention center whereas a prison sentence would be served in one of the high security prisons in the country.] Training people to take part in "mass riots" or financing such riots would carry a six-month jail sentence or three years in prison. Soliciting foreign countries or international organizations to act "to the detriment" of the country's "security,

sovereignty, and territorial integrity" and/or the distribution of material containing such appeals would result in a six to 36-month jail sentence or up to five years in prison. Distributing such appeals via the media would carry the same punishment.

¶4. (U) The bill includes a new article to the criminal code called "Discrediting the Republic of Belarus." The article states that presenting a foreign country or international organization with false information about the political, economic, social, military, and international situation in Belarus would result in up to six months in a local jail or two years in prison. Providing information about government agencies or the rights of Belarusian citizens carries the same punishment.

¶5. (U) Making public appeals for power seizure or a "violent" change of the constitutional system is punishable with six months in jail or three years in prison. Organizing and/or participating in activities of deregistered NGOs or foundations could result in a six-month jail sentence or two years in prison. Members of these organizations who voluntarily notify the appropriate authorities when these laws are broken, however, are exempt from punishment.

The True Purpose

¶6. (U) Chair of the BKGB Stepan Sukhorenko told reporters on November 25 that the amendments would discourage opposition forces from staging street protests during the 2006 presidential elections. According to Sukhorenko, the main threat to Belarus' stability does not come from the opposition, but from abroad (i.e. U.S. and EU). The

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opposition knowingly discredits Belarus in the international arena in order to increase Western pressure, contributing to the country's destabilization. Sukhorenko claimed the opposition forces were training activists to organize mass disturbances at militant camps in the Vileika and Krupki districts and in neighboring countries. Sukhorenko regretted that the bill of amendments was not adopted earlier and opined it was a measure to prevent rioters from taking to the streets with "guns, petrol bombs and iron rods."

Civil Society Leaders Outraged

¶7. (U) Leader of the United Civic Party Anatoly Lebedko called the bill a clear indicator of President Lukashenko's intent to use force to remain in power. Lebedko noted that the bill violated the Constitution of Belarus and proved that Lukashenko does not have complete control over the people and not supported by the majority of Belarusians. Sergei Voznyak of the Belarusian Party of Communists and Aleksei Korol of the Belarusian Social Democratic Party "Hramada" are concerned that the bill would give the BKGB free reign to intimidate the opposition and stifle dissent. Korol called the bill a historical phase of dictatorship, the next one being judicial executions. Independent analyst Sergei Balykin called the bill a revival of the Soviet system and likened it to the 1961 Belarusian Soviet Socialist Republic criminal code, the "Anti-Soviet Campaigning and Propaganda."

¶8. (C) On November 29, Poloff met with Belarusian Helsinki Committee human rights lawyer Garry Poganyailo. Poganyailo and other human rights activists released a statement on November 28 condemning the bill as a tool to crush any opposition ahead of the elections. Poganyailo noted that the "Discrediting the Republic of Belarus" amendment is an almost verbatim copy of amendments adopted by Joseph Stalin and Nikita Krushchev during the Soviet Union.

¶9. (C) Poganyailo believed Lukashenko ordered the bill to be processed quickly so to eradicate any sense of opposition within the population by February, the month when the Parliament will establish the 2006 election date. According to Poganyailo, this bill could turn into a law as early as December 10. Once implemented, Poganyailo predicted Belarusian NGOs and political parties can expect liquidations and a major movement underground. He added that one aspect of the bill, the authorities' right to detain individuals for ten days for alleged terrorist or hooliganism, would also allow the GOB to detain all political leaders and election observers on the eve of elections and hold them until the results are well established and irreversible. From Poganyailo's perspective, this new bill and the buildup of OMON (riot police) forces in Belarus is a clear indication that any demonstration before, during, and after the elections will be brutally crushed.

Comment

¶10. (C) This action reveals the regime's underlying paranoia, belying Lukashenko's confident assertions that all is well in stable, peaceful Belarus. The GOB does not need this legislative measure to enforce its will Q it has the tools to repress whomever it wants. However, the legislation will further chill the atmosphere and cow already fearful potential activists. Moreover, the bill could make it much more difficult for Post to engage and report on civil society as part of its normal diplomatic activities. Post presumes that the few hard-core opposition will remain outspoken. Nonetheless, this legislative action is a civil measure harking back to the Cold War and the U.S. (and EU) should make clear to the Belarusians our dismay and implications of its passage.

KROL